

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BERN

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E.O. 11652: N/A

TAGS: CFED, SZ

SUBJECT: SSA: RECIPROCAL PROVISIONS OF US AND SWISS SOCIAL
SECURITY SYSTEMS

REF: BERN A-46 OF FEB. 25, 1974 AND BERN 1287

1. SSA CONFIRMS THAT CONTRIBUTIONS TO US OLD-AGE,
SURVIVORS, DISABILITY, AND HEALTH INSURANCE SYSTEM (OASDHI)
ARE NOT REFUNDABLE. IN ADDITION, SSA AGREES WITH EMB'S
ASSESSMENT THAT LANGUAGE IN EXCHANGE OF NOTES BETWEEN US
AND SWITZERLAND CONCERNING REFUNDS OF CONTRIBUTIONS FROM
SWISS SYSTEM WAS GRATUITOUS AND THAT THEREFORE US CITIZENS
ARE NOT EXEMPTED BY THAT LANGUAGE FROM GENERAL PROVISIONS
OF THE AMENDED SWISS REGULATION CONCERNING REFUNDS.

2. SSA INDICATED, HOWEVER, THAT WHILE THIS CHANGE IN SWISS
LAW WILL NOT AFFECT PRESENT SCOPE OF RECIPROCITY IN
SOCIAL INSURANCE BETWEEN US AND SWITZERLAND IT DOES POINT
UP A NEED FOR GIVING ADDITIONAL SCOPE TO RECIPROCITY THAT
COULD BE OF CONSIDERABLE ASSISTANCE TO INDIVIDUALS OF ONE
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NATIONALITY WHO WORK IN THE OTHER COUNTRY TEMPORARILY.

3. LEGISLATION PROPOSED BY HEW AND SUPPORTED BY DEPT WOULD GIVE PRESIDENT AUTHORITY TO ENTER INTO BILATERAL SOCIAL SECURITY AGREEMENTS TO PERMIT TOTALIZATION OF SOCIAL INSURANCE CREDITS TOWARD PENSIONS AND PAYMENT OF PRO RATA

BENEFITS, AND TO ELIMINATE DUAL SOCIAL SECURITY PROTECTION FOR PENSIONS IN FAVOR OF PROTECTION IN ONLY ONE COUNTRY AT A TIME. SUCH LEGISLATION HAS PASSED SENATE AND IS AWAITING CONSIDERATION BY HOUSE-SENATE CONFERENCE COMMITTEE, BUT IT IS NOT POSSIBLE TO PREDICT AT THIS TIME WHEN IT WILL BE FINALLY ENACTED. UNDER SUCH AGREEMENTS THE DISSATISFACTIONS RESULTING FROM THE PAYMENT OF NON-REFUNDABLE CONTRIBUTIONS -- IN CASES WHERE THE LIKELIHOOD OF A CONTRIBUTOR BEING ABLE TO PERFECT ENTITLEMENT IS SMALL-- COULD BE AMELIORATED AND POSSIBLY ELIMINATED.

4. ON NUMBER OF OCCASIONS IN PAST, OFFICIALS OF SWISS FEDERAL INSURANCE OFFICE HAVE INDICATED TO US SOCIAL SECURITY OFFICIALS THAT SWITZERLAND WOULD BE INTERESTED IN ARRANGING AN AGREEMENT WITH U.S. OF TYPE JUST DESCRIBED. EMB MAY WISH TO DETERMINE AND INFORM DEPT WHETHER THIS INTEREST STILL EXISTS AND, IF SO, WHETHER CLIMATE IS FAVORABLE FOR PRELIMINARY DISCUSSIONS BETWEEN TECHNICIANS OF TWO COUNTRIES THAT COULD RIPEN INTO FORMAL NEGOTIATIONS AFTER PASSAGE OF US LEGISLATION. RUSH

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